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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,822	12/16/2003	Jun Fujimoto	402917/SOEI	2875
23548 7590 03/25/2008 LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960				
EXAMINER KRAMER, JAMES A				
ART UNIT		PAPER NUMBER		
3693				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/735,822

**Applicant(s)**

FUJIMOTO, JUN

**Examiner**

JAY A. KRAMER

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1 and 3 included newly added limitation, "the usage restriction conditions restrict use of the casino services when the casino deposit accumulated over a time period has exceeded an upper limit." Whereas, claims 2, 4 and 5 all include language directing the service management server to apply the usage restriction conditions when the casino deposit reaches zero balance.

Examiner asserts that that newly added language in the independent claims contradicts the language of the dependent claims. Specifically, the current language has a usage restriction that restrict use when a casino deposit reaches zero and then the same usage restriction is applied to an upper limit.

Examiner believes it is the Applicant's intention to have both an upper limit restriction as well as restrictions when the balance reaches zero. Further the Examiner suggests amending the claim to clarify this position. For example claim 2 should be amended to recite, "wherein said service management server further applies a second usage restriction condition if no deposit balance is present in the casino deposit."

For the purpose of compact prosecution that is how the claim will be interpreted in this Office action.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 7,198,571 to LeMay in view of U.S. Patent Number 5,539,450 to Handelman

**With respect to claim 1:**

LeMay teaches a house card issuing means for issuing a house card which stores user information enabling identification of a user of the hotel and casino services (see for example column 10, lines 60-67).

LeMay further teaches a house card server for instructing said house card issuing means to issue the house card (see for example column 10, lines 41-45).

LeMay further teaches a service management server utilizing the user information to manage a casino deposit which enables the user to utilize casino services upon acquisition of the house card (see for example column 15, lines 24-39).

LeMay further teaches a service management server for outputting service data restricting use of the casino services by the user when usage restriction condition management on the casino services are satisfied (see for example column 13, lines 15-31).

LeMay further teaches that said house card server stores the service data output from said service management server, thereby enabling payment for the casino services, individually for each user (see for example column 14, lines 15-45).

LeMay does not teach the usage restriction conditions restrict use of the casino services when the casino deposit accumulated over a time period has exceeded an upper limit.

Handelman teaches usage restriction condition restricting the use of casino services when the casino deposit accumulated over a time period has exceeded an upper limit (see for example column 9, line 59 through column 10, line 5). Examiner notes that Handelman's teaching of monetary limits associated that limit an amount of wins that a subscriber is allowed to accrue represents Applicant's usage restriction condition restricting the use of casino services when the casino deposit accumulated over a time period has exceeded an upper limit.

It would have been obvious to one of ordinary skill at the time of the present invention to modify the usage conditions of LeMay to include a usage restriction condition restricting the use of casino services when the casino deposit accumulated over a time period has exceeded an upper limit as taught by Handelman. One of ordinary skill in the art at the time of the invention would have been motivated to make this modification in order to limit the number of wins a user is allowed to accrue (see Handelman column 10, lines 3-4).

**With respect to claim 2:**

LeMay teaches wherein said service management server further applies a second usage restriction condition if no deposit balance is present in the casino deposit (see for example column 14, lines 5-25). Examiner notes that the use of parameters to "regulate" game play (see column 14, lines 5-8) and specifically parameters that include betting limits per game, per

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session and per day (see column 14, lines 19-20) clearly represents restricting use if no deposit balance is present.

With respect to claims 3-5, the Examiner notes that these claims are substantially similar scope to claims 1 and 2 and therefore rejected under the same analysis.

***Response to Arguments***

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to JAY A. KRAMER at telephone number (571)272-6783.

/James A. Kramer/  
Supervisory Patent Examiner, Art Unit 3693

James A. Kramer  
SPE  
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